



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

Exhibit 1

June 8, 2021

Dr. Fred Lee Nance, Jr.
frednance@clickservices.org

Dear Dr. Nance:

Thank you for your correspondence received May 15, 2021. The U.S. Department of Justice (DOJ), Office of the Inspector General, investigates allegations of misconduct by employees and contractors of DOJ, as well as waste, fraud and abuse affecting DOJ programs and operations. After reviewing your complaint, we have determined that the matters that you raised are more appropriate for review by another office within the DOJ. Therefore, we have forwarded your correspondence to:

U. S. Department of Justice
Office of Justice Programs
General Counsel
810 7th Street, N.W.
Washington, DC 20531

Please direct any further correspondence regarding this matter to that office.

Of course, if you have information that involves other allegations or issues regarding DOJ employees, contractors, programs or operations, please feel free to submit that information to us.

Thank you for giving us the opportunity to review your concerns.

Sincerely,

Office of the Inspector General
Investigations Division

June 9, 2021

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U.S. Department of Justice
Office of Justice Programs
General Counsel
810 7th Street, N.W.
Washington, DC 20531

Re: Dr. Fred L. Nance Jr. Whistleblower Complaints and Federal Complaint 1:20-cv-06316

General Counsel:

Good morning. On June 8, 2021, Judge Alonso, in case #20-cv-06316, issued the following language in his memorandum order “For the reasons set forth above, the Court grants the government’s motion [31] to dismiss. Plaintiff’s FTCA claim is dismissed without prejudice (and without leave to amend). The remaining claims against the government are dismissed with prejudice.” I am appealing the ruling on my claims being dismissed with prejudice. I will file my appeal within the 30-day time frame.

Nevertheless, pursuant to the court order stating “...FTCA claim is dismissed without prejudice....” in this matter, I am re-submitting the 3 Whistleblower complaints for April 17, 2020, August 29, 2020, and September 13, 2020, so I can bring it back to the court. On June 9, 2021 I re-filed these Whistleblower complaints with the beginning paragraph “I, Dr. Fred L. Nance Jr., am reporting I filed 3 Whistleblower complaints with DOJ, BJA, OJP. I am filing a FTCA claim and requesting \$500,000.00 in damages....” When you read my supplemental complaints filed in this matter against Andre Bethea, one of the BJA employees who are co-defendants but were left out of suit due to being employees of DOJ, BJA, OJP, you will see I increased my asking price to 1.25 million dollars. These numbers originated from the funding amounts of the 2018-2021 grant (\$500,000.00) and the 2021-2024 grant (\$750,000.00) application I submitted.

I asserted in Count 1 the National Defense Authorization Act of 2013 et seq. and in Count 2 of my original complaint 41 U.S.C. §4712, which states “...An employee of a contractor, subcontractor, grantee, or subgrantee or personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) 41 U.S.C. §4712(a)(1).” To dismiss my claims with prejudice, the court cited: “Title 28 U.S.C. § 2675(a) provides: An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, “unless the claimant shall have first presented the claim to the appropriate Federal agency in writing and sent by certified or registered mail.””

As you know the DOJ Whistleblower website for submitting claims does not request or infer I should have made a money request. In addition, the language the court used to dismiss my claims against the government was I did not exhaust my administrative remedies. I submitted to the

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court, and to you here, the letter dated October 13, 2020 from Assistant Inspector General, Oversight and Review Division, M. Sean O'Neill. Basically, if you review the content of the letter, Mr. O'Neill stated "...declined to open a whistleblower reprisal investigation...." Mr. O'Neill exhausted my administrative remedies.

My Whistleblower "supplemental" complaint (attached) dated May 14, 2021 demonstrates my grant application for the BJA FY 21 Second Chance Act Community-Based Reentry Program. My grant application could not be submitted on time due to errors with the JustGrants system. On May 25, 2021 Andre Bethea sent me an email stating "...unfortunately the decision has been made to deny your appeal...." On May 25, 2021 I sent Andre Bethea a responding email stating "...Please be advised: I have added this issue to my present litigation Nance vs. DOJ et al...." I put the issue on my Twitter page. On May 26, 2021 Andre Bethea replied to my email reversing himself stating "...we are pleased to offer additional time to submit/complete your application. This represents a change in our decision as previously communicated...." Mr. Bethea use of the word "our" means there someone else retaliating against me.

DOJ BJA OJP employees Tracey Willis, Andre Bethea, and Michael Dever worked in concert with EMAGES Inc and Hattie Wash to terminate my employment with Grant #2018-CY-BX-0025 for filing Whistleblower complaints. These DOJ employees knew via email I sent them Hattie Wash lied about why she was giving the grant back. Hattie Wash gave the grant back to retaliate against me knowing it would end my employment. The court in 20cv06316 validates this in the memorandum opinion taking all facts submitted by me as true due to motion to dismiss ruling.

Andre Bethea continues the retaliatory acts against me (outlined in the emails attached) by denying access to the peer review of Grant solicitation BJA FY 21 Second Chance Act Community-Based Reentry Program. Review the emails between Bernice Horne, Abitha William and myself. It is my belief Andre Bethea told Bernice Horne and Abitha William of OJP Peer Review Support Services, employed by BETHA Associates, Inc., to reject my participation in the 2021 peer review. In Bernice Horne and Abitha William email they report "...As there are fewer applications going forward to peer review than initially anticipated, we will not need to utilize the total number of peer reviewers invited to participate." If you read the email sent to me on May 26, 2021, the statement given by Bernice Horne and Abitha William is false.

This retaliation is demonstrated by the Supplemental Complaints I filed in 20cv06316 regarding the errors in JustGrants and the email of 6/9/21. It is my belief DOJ BJA OJP will further retaliate against me by denying my grant application for 2021 BJA Community Based Reentry solicitation.

I have been a peer reviewer for Second Chance Act (SCA) grant applications since 2009. I have reviewed over 120 SCA grant applications all across the United States. I wrote and have received, as a partner, 2 previous SCA grants (2010-2012, 2018-2020). I have been sitting on Congressman Danny K. Davis' SCA Advisory Committee since 2007. I wrote some of the language for the SCA bill signed by President Bush on April 10, 2008. My 2021 grant application is almost flawless, if not perfect for funding.

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If I am denied funding it is because of the retaliatory nature of DOJ BJA OJP employees. This is happening because I did the right thing; reported the possibility of fraud, misappropriation of funds and retaliation via the Whistleblower Act. This is my reward for being honest and having integrity. I have informed Congressman Davis I want to testify before the Ways and Means committee and the Appropriations committee regarding DOJ BJA OJP employees disregard for the Whistleblower Act and the retaliatory nature of their employees. Congressman Davis sits on both committees. Congressman Davis has been informed of violations of Hattie Wash since December of 2019, and of the retaliation I have suffered by the hands of DOJ BJA OJP employees, which is also a requirement for Whistleblower reporting fraud, misappropriation of funds, and retaliation. Therefore, I am seeking a full investigation pursuant to the Whistleblower Act of 2013 et seq. and 41 U.S.C. §4712(a)(1) statute so I can continue my litigation in 20cv06316. I will submit this cover letter to the appellate court with my appeal. Please respond and acknowledge receipt of all materials. Thank you.

Respectfully submitted,

/s/Dr. Fred L. Nance Jr., Ph.D.
17239 Evans Avenue
South Holland, Illinois 60473-3436
708-921-1395
frednance@clickservices.org
www.twitter.com/clickforjustice

cc: 64 Attachments



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- **Contract Complaint Information**
- Contract Information
- Contract Complaint Description
- Complete

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☐ Submit complaint anonymously

Please fill in as much information as possible. Mandatory fields are identified by an asterisk (*). If you do not wish to provide contact information, you may submit your complaint anonymously.

Your Company Information

Your Title

Dr

Your First Name

Fred

Your Middle Name

Lee

Your Last Name

Nance

Your Suffix (Jr. Sr. IV, etc.)

Jr.

Your Email

frednance@clickservices.org

Your Company Name

C.L.I.C.K. Services, NFP

Your Address

17239 Evans Avenue

Your Address 2

Your City/Town

South Holland

Your State/Province

Illinois

Your ZIP/Postal Code

60473

Your Country

United States

Your Phone

708-921-1395

Format: XXX-XXX-XXXX

Your Fax

N/A

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Contract Information

Company Name

EMAGES Inc.

Company City/Town

Chicago

Company State/Province

Illinois



DOJ Contracting Officer Name

Tracey Willis

Contract Number

2018-CY-BX-0025

DUNS or TINs Number

Contract Type

Second Chance Act Community-Based Adult Reentry

Type of contract

Date and time the incident occurred

04/17/2020



Time the incident occurred.

☒ Is the activity ongoing

DOJ Component

Other – Enter the component in the box below.

Other Component

Second Chance Act Grant

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Complaint Description

Please provide additional details about your complaint.

Subject Title

Dr

Subject First

Hattie

Subject Middle

Subject Last

Wash

Subject Suffix

Details:

Please provide a description of the facts and circumstances surrounding the reported activities, such as the evidence forming the basis of this report, the names of the individuals involved, dates, location, how the matter was discovered, potential witnesses and their involvement, and any corrective action already taken.

I, Dr. Fred L. Nance Jr., am reporting I filed 3 Whistleblower complaints with DOJ, BJA, OJP. I am filing a FTCA claim and requesting \$500,000.00 in damages. The following Whistleblower complaints were filed with DOJ, BJA, OJP on April 17, 2020, August 29, 2020 and September 13, 2020. Here is the content of all 3

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Submission Complete

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Thank you for your submission. The Department of Justice, Office of the Inspector General will review your complaint and determine an appropriate course of action. Due to privacy interests, we do not provide complainants with updates on investigative matters. If you identified yourself, you will receive an acknowledgement once a determination has been made.

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